



STATE OF TENNESSEE
Department of General Services, Central Procurement Office

REQUEST FOR QUALIFICATIONS # 32110-20111 AMENDMENT # 3 FOR STATEWIDE SLOPE STABILIZATION SERVICES

DATE: April 22, 2020

RFQ # 32110-20111 IS AMENDED AS FOLLOWS:

1. State responses to questions and comments in the table below amend and clarify this RFQ.

Any restatement of RFQ text in the Question/Comment column shall NOT be construed as a change in the actual wording of the RFQ document. Delete Questions and Comments, State Response 1 and 37 in their entirety and replace with the following. Any sentence of paragraph containing revised or new text is highlighted.

No	RFQ SECTION	PAGE #	QUESTION/COMMENT	STATE RESPONSE
1	ProForma Section E.7.	27	The Performance Bond of \$14M would that be required before any billable work has occurred?	The performance bond is currently required with the signed contract May 27, 2020 by 4:30 p.m. CST. The performance bond shall be in an amount equal to one hundred percent (100%) of the Estimated Liability of group(s) awarded, Group 1 Soil Nailing: twelve million dollars (\$12,000,000). Group 2 Horizontal Drains: one million dollars (\$1,000,000). Group 3 Railroad Rails and Cribbing: seven million dollars (\$7,000,000).

37	ProForma Section E.7.	27	<p>RFQ schedule shows that the performance bond in the amount of fourteen million dollars will be due the day the contract is signed on May 22nd, 2020. Is it acceptable to the state to instead provide an anticipated bond amount when each piece of specific work is identified? This would allow the state to pay for bonding capacity only on projects that are constructed. As the RFQ is currently written, it appears that the state could be asking as many as three contractors to each provide a 14million dollar performance bond (totaling \$42 million), when only 14 million dollars' worth of work is anticipated to be constructed. Do I have the correct understanding? If bonding could be handled on a project to project basis it appears the state would save some money not paying for unneeded bonding capacity. Is this acceptable or will the contractor really have to bring a 14 million dollar performance bond to the table with no guarantee that any work will be constructed by that contractor?</p>	<p>Each awarded Contractor shall provide to the State a performance bond of the following amount or awarded group(s), Group 1 Soil Nailing: twelve million dollars (\$12,000,000). Group 2 Horizontal Drains: one million dollars (\$1,000,000). Group 3 Railroad Rails and Cribbing: seven million dollars (\$7,000,000), guaranteeing full and faithful performance of all undertakings and obligations under this Contract, specifically faithful performance of the work in accordance with the plans, specifications, and Contract documents.</p>
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2. Delete RFQ # 32110-20111, ProForma Section C.1. in its entirety and insert the following in its place. **Any sentence or paragraph containing revised or new text is highlighted.**

C.1. Estimated Liability. The total purchases of any goods or services under the Contract are not known. The State estimates the purchases during the Term shall be **Group 1 Soil Nailing: twelve**

million dollars (\$12,000,000). Group 2 Horizontal Drains: one million dollars (\$1,000,000). Group 3 Railroad Rails and Cribbing: seven million dollars (\$7,000,000) ("Estimated Liability"). This Contract does not grant the Contractor any exclusive rights. The State does not guarantee that it will buy any minimum quantity of goods or services under this Contract. Subject to the terms and conditions of this Contract, the Contractor will only be paid for goods or services provided under this Contract after a purchase order is issued to Contractor by the State or as otherwise specified by this Contract.

3. **Delete RFQ # 32110-20111, ProForma Section E.7. in its entirety and insert the following in its place. Any sentence or paragraph containing revised or new text is highlighted.**

E.7. Performance Bond. The Contractor shall provide to the State a performance bond guaranteeing full and faithful performance of all undertakings and obligations under this Contract, specifically faithful performance of the work in accordance with the plans, specifications, and Contract documents. The performance bond shall be in an amount equal to one hundred percent (100%) of the Estimated Liability of group(s) awarded, Group 1 Soil Nailing: twelve million dollars (\$12,000,000). Group 2 Horizontal Drains: one million dollars (\$1,000,000). Group 3 Railroad Rails and Cribbing: seven million dollars (\$7,000,000). The State reserves the right to review the bond amount and bonding requirements at any time during the Term. The Contractor shall submit the bond no later than the day immediately preceding the Effective Date and, in the manner, and form prescribed by the State at Attachment SWC 191 Attachment 2. The bond shall be issued by a company licensed to issue such a bond in the state of Tennessee. The performance bond shall guarantee full and faithful performance of all undertakings and obligations for the Term, as the Contract is extended or renewed.

Failure to provide to the State the performance bond as required under this Contract may result in this Contract being terminated by the State. The performance bond required under this Contract shall not be reduced during the Term without the State's prior written approval.

4. **Delete RFQ # 32110-20111, ProForma Section E.8. in its entirety and insert the following in its place. Any sentence or paragraph containing revised or new text is highlighted.**

E.8. Payment Bond. The Contractor shall provide to the State a payment bond guaranteeing that the Contractor's subcontractors, laborers, and material suppliers will be paid for performance under this Contract with the additional obligation that such contractor shall promptly make payment of all taxes, licenses, assessments, contributions, penalties, and interest. The payment bond will be in an amount equal to twenty-five percent (25%) of the Estimated Liability of group(s) awarded, Group 1 Soil Nailing: twelve million dollars (\$12,000,000). Group 2 Horizontal Drains: one million dollars (\$1,000,000). Group 3 Railroad Rails and Cribbing: seven million dollars (\$7,000,000). The State reserves the right to review the bond amount and bonding requirements at any time during the Term. The Contractor shall submit the bond no later than the day immediately preceding the Effective Date and, in the manner, and form prescribed by the State at Attachment SWC 191 Attachment 2. The bond shall be issued by a company licensed to issue such a bond in the State of Tennessee. The payment bond shall guarantee that the Contractor's subcontractors, laborers, and material suppliers will be paid for performance during the Term and all extensions or renewals of the Contract.

Failure to provide to the State the payment bond as required under this Contract may result in this Contract being terminated by the State. The payment bond required under this Contract shall not be reduced during the Term without the State's prior written approval.

5. **Delete Attachment Cost Proposal #32110-20111, Release #2 in its entirety, and replace it with Cost Proposal # 32110-20111, Release #3, attached to this amendment. Any sentence or paragraph containing revised or new text is highlighted.**
6. **RFQ Amendment Effective Date.** The revisions set forth herein shall be effective **upon** release. All other terms and conditions of this RFQ not expressly amended herein shall remain in full force and effect.